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01/12/2007

EXAMINER
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LE, MIRANDA

ART UNIT	PAPER NUMBER
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2167

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/12/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/713,600

Applicant(s)

KRAFT ET AL.

Examiner

Miranda Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10/27/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8, 10-20, 22-32, 34-37, 39, 41-49, 51 and 53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-20, 22-32, 34-37, 39, 41-49, 51 and 53 is/are rejected.
- 7) ☒ Claim(s) 38, 40 and 42 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This communication is responsive to Amendment, filed 10/27/2006.
2. Claims 1-8, 10-20, 22-32, 34-49, 51, 53 are pending in this application. Claims 1, 13, 25, 49, 51, 53 are independent claims. In the Amendment, claims 9, 21, 33, 50, 52, 54 have been cancelled, and claims 1,13, 25, 49, 51, 53 have been amended. This action is made Final.

### *Claim Objections*

3. Claims 10-12, 22-24, 34-36 are objected to because of the following informalities:

Claims 10-12 improperly depends on claim 9, which is cancelled. Claims 10-12 will subsequently be treated as if it were dependent upon claim 1.

Claims 22-24 improperly depends on claim 21, which is cancelled. Claims 10-12 will subsequently be treated as if it were dependent upon claim 13.

Claims 34-36 improperly depends on claim 33, which is cancelled. Claims 10-12 will subsequently be treated as if it were dependent upon claim 25.

Appropriate correction is required.

4. Claims 1, 25 are objected to because of the following informalities:

Claim 1, line 12, "accessing *the at least one the plurality of electronic records databases* with the retrieved instructions" should be read as "accessing *the at least one of the plurality of electronic records databases* with the retrieved instructions".

Claim 25, line 18, "accessing *the at least one the plurality of electronic records databases* with the retrieved instructions" should be read as "accessing *the at least one of the plurality of electronic records databases* with the retrieved instructions".

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless:

(e) the invention was described in

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 49, 51, 53 are rejected under 35 U.S.C. 102(e) as being anticipated by Rhie et al. (US Patent No. 6,366,650).

Rhie anticipated independent claims 49, 51, 53 by the following:

As per claim 49, Rhie teaches a method for determining which of a plurality of queued search requests to implement, the method comprising:

evaluating one or more user input (*i.e. User Interface for Operating the Voice Web col. 3, lines 26-65*), electronic records search requests using one or more search selection criteria, wherein the one or more search selection criteria comprises at least one of how many times an examined electronic records search request has failed (*i.e. if the transmission attempt is unsuccessful, the job will be reschedule for transmission at a later time. There is a limit on the number of retries before the system administrator is notified, col. 6, lines 28-55*), how busy one or more databases associated with the search data are, how many phone lines are available to

access the one or more databases associated with the search data, a status of the examined electronic records search request, how many attempts have been made to execute the examined electronic records search request, when the examined electronic records search request was last updated, and when any activity associated with the examined electronic records search request, last took place (*col. 6, lines 28-55*);

selecting one of the user input (*i.e. methods for delivering, col. 4, lines 32-47*), electronic records search requests to execute next based upon the evaluation (*i.e. the document delivery subsystem operates like a queue where the queue is periodically checked to see if there are any pending jobs, col. 6, lines 46-55*)(*col. 3, lines 36-65; col. 4, lines 4-47*);

executing the selected search (*i.e. a document or a webpage; col. 6, lines 28-55*) (*col. 5, lines 30-56*).

**As per claim 51**, Rhie teaches a program storage device readable by a machine tangibly embodying of instruction executable by the machine to perform a method for determining which of a plurality queued search requests to implement, the device comprising:

evaluating one or more user input (*i.e. User Interface for Operating the Voice Web col. 3, lines 26-65*), electronic records search requests using one or more search selection criteria, wherein the one or more search selection criteria comprises at least one of how many times an examined electronic records search request has failed (*i.e. if the transmission attempt is unsuccessful, the job will be reschedule for transmission at a later time. There is a limit on the number of retries before the system administrator is notified, col. 6, lines 28-55*), how busy one or more databases associated with the search data are, how many phone lines are available to

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access the one or more databases associated with the search data, a status of the examined electronic records search request, how many attempts have been made to execute the examined electronic records search request, when the examined electronic records search request was last updated, and when any activity associated with the examined electronic records search request last took place (*col. 6, lines 28-55*);

selecting one of the user input (*i.e. methods for delivering, col. 4, lines 32-47*), electronic records search requests to execute next based upon the evaluation (*i.e. the document delivery subsystem operates like a queue where the queue is periodically checked to see if there are any pending jobs, col. 6, lines 46-55*)(*col. 3, lines 36-65; col. 4, lines 4-47*);

executing the selected search (*i.e. a document or a webpage; col. 6, lines 28-55*) (*col. 5, lines 30-56*).

**As per claim 53**, Rhie teaches a system for determining which of a plurality of queued search requests to implement, the system comprising:

a search evaluation system (*Fig. 1, server 14*) that evaluates one or more user input (*i.e. User Interface for Operating the Voice Web col. 3, lines 26-65*), electronic records search requests using one or more search selection criteria, wherein the one or more search selection criteria comprises at least one of how many times an examined electronic records search request has failed (*i.e. if the transmission attempt is unsuccessful, the job will be reschedule for transmission at a later time. There is a limit on the number of retries before the system administrator is notified, col. 6, lines 28-55*), how busy one or more databases associated with the search data are, how many phone lines are available to access the one or more databases

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associated with the search data, a status of the examined electronic records search request, how many attempts have been made to execute the examined electronic records search request, when the examined electronic records search request was last updated, and when any activity associated with the examined electronic records search request last took place (*col. 6, lines 28-55*);

a search selection system (*Fig. 1, server 14*) that selects one of the user input (*i.e. methods for delivering, col. 4, lines 32-47*), electronic records search requests to execute next based upon the evaluation (*i.e. the document delivery subsystem operates like a queue where the queue is periodically checked to see if there are any pending jobs, col. 6, lines 46-55*)(*col. 3, lines 36-65; col. 4, lines 4-47*); and

a search execution system (*Fig. 1, server 14*) that executes the selected search (*i.e. a document or a webpage; col. 6, lines 28-55*) (*col. 5, lines 30-56*).

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 1, 2, 5-8, 13, 14, 17-20, 25, 26, 29-32, 37-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rhie et al. (US Patent No. 6,366,650), in view of Land et al. (US Patent No. 7,051,019).

**As per claim 1**, Rhie teaches a method for retrieving data, comprising:

selecting one of a plurality of user input, stored electronic records search requests from a queued search database to execute next based upon one or more selection criteria (*i.e. the document delivery subsystem operates like a queue where the queue is periodically checked to see if there are any pending jobs, col. 6, lines 46-55*) (*col. 2, lines 1-46; col. 3, lines 36-65*);

determining which of two or more different types of communication medium (*i.e. via voice format, fax-on-demand, email, or regular mail, col. 2, lines 12-46*) can be used to access at least one of a plurality of electronic records databases associated with the selected one of the electronic records search requests (*i.e. if the requested file is not found in the Fax Database, col. 6, line 56 to col. 7, line 12; In the case of delivery by email; in case of delivery by fax; col. 4, lines 32-47*) (*col. 2, lines 1-46; col. 3, lines 36-65*);

retrieving instructions for accessing the at least one of a plurality of electronic records databases based on at least one of the determined types of communication medium which can be used to access the at least one of the plurality of electronic records databases (*i.e. audio menus to guide the caller to retrieve documents of web-pages from the internet, col. 3, lines 26-65*) (*col. 2, lines 1-46; col. 3, lines 36-65*);

accessing the at least one the plurality of electronic records databases with the retrieved instructions (*i.e. webpage, col. 4, lines 4-47*) (*col. 2, lines 1-46; col. 3, lines 36-65*);



executing the selected electronic records search request and retrieving at least one electronic record from at least one storage location during the executing (*i.e. a document or a webpage; col. 6, lines 28-55) (col. 2, lines 1-46; col. 3, lines 36-65).*

Rhie does not specifically teach parsing the electronic records to convert one or more raw data sets into user-selectable objects; causing the user-selectable objects to be displayed.

However, Land teaches parsing the electronic records to convert one or more raw data sets into user-selectable objects (*i.e. displaying a related image that is inserted into the document, so that the related image is associated with the indicated text in the document, col. 1, line 39 to col. 2, line 31); and*

causing the user-selectable objects to be displayed (*i.e. The present invention enables a user to choose an image from a group of images that are determined to be the most relevant for indicated text, col. 4, lines 31-52).*

It would have been obvious to one of ordinary skill of the art having the teaching of Rhie and Land at the time the invention was made to modify the system of Rhie to include parsing the electronic records to convert one or more raw data sets into user-selectable objects; causing the user-selectable objects to be displayed as taught by Land. One of ordinary skill in the art would be motivated to make this combination in order to allow a user to choose an image from a group of images that are determined to be the most relevant for indicated text in view of Land, as doing so would give the added benefit of generating a query based on the indicated text for a database of images and displaying the query results as thumbnail images in a slide show as taught by Land (*col. 4, lines 28-53).*

As per claim 13, Rhie teaches a system for retrieving data, comprising:

at least one station operatively connected to at least one storage location (*col. 2, lines 1-50*); and

at least one processor operatively connected to the at least one station and the at least one storage location, the at least one processor executing a program of instructions for selecting one of a plurality of user input, stored electronic records search requests from a queued search database to execute next based upon one or more selection criteria (*i.e. the document delivery subsystem operates like a queue where the queue is periodically checked to see if there are any pending jobs, col. 6, lines 46-55; col. 3, lines 36-65*), determining which of two or more different types of communication medium can be used to access at least one electronic records database associated with the selected one of the electronic records search requests (*i.e. if the requested file is not found in the Fax Database, col. 6, line 56 to col. 7, line 12; In the case of delivery by email; in case of delivery by fax; col. 4, lines 32-47*), retrieving instructions for accessing the at least one electronic records database based on at least one of the determined types of communication medium which can be used to access the at least one electronic records database (*i.e. a document or a webpage; col. 6, lines 28-55*), accessing the at least one electronic records database with the retrieved instructions, executing the selected electronic records search request and retrieving at least one electronic record from at least one storage location during the executing (*col. 2, lines 1-46; col. 3, lines 36-65*).

Rhie does not specifically teach parsing the electronic records to convert one or more raw data sets into user-selectable objects, and causing the user-selectable objects to be displayed.

However, Land teaches parsing the electronic records to convert one or more raw data

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sets into user-selectable objects (*i.e. displaying a related image that is inserted into the document, so that the related image is associated with the indicated text in the document, col. 1, line 39 to col. 2, line 31*), and causing the user-selectable objects to be displayed (*i.e. The present invention enables a user to choose an image from a group of images that are determined to be the most relevant for indicated text, col. 4, lines 31-52*).

It would have been obvious to one of ordinary skill in the art having the teaching of Rhie and Land at the time the invention was made to modify the system of Rhie to include parsing the electronic records to convert one or more raw data sets into user-selectable objects, and causing the user-selectable objects to be displayed as taught by Land. One of ordinary skill in the art would be motivated to make this combination in order to allow a user to choose an image from a group of images that are determined to be the most relevant for indicated text in view of Land, as doing so would give the added benefit of generating a query based on the indicated text for a database of images and displaying the query results as thumbnail images in a slide show as taught by Land (*col. 4, lines 28-53*).

**As per claim 25**, Rhie teaches a program storage device readable by a machine tangibly embodying a program of instructions executable by the machine to perform a method for accessing electronic records obtained from at least one electronic records database search, the method enabling users to select for retrieval at least one raw data set related to electronic records, the device comprising:

selecting one of a plurality of user input, stored electronic records search requests from a queued search database to execute next based upon one or more selection criteria (*i.e. the*

*document delivery subsystem operates like a queue where the queue is periodically checked to see if there are any pending jobs, col. 6, lines 46-55) (col. 2, lines 1-46; col. 3, lines 36-65);*

executing the selected electronic records search request and retrieving at least one electronic record from at least one storage location during the executing (*i.e. a document or a webpage; col. 6, lines 28-55) (col. 2, lines 1-46; col. 3, lines 36-65);*

determining which of two or more different types of communication medium can be used to access at least one of a plurality of electronic records databases associated with the selected one of the electronic records search requests (*i.e. if the requested file is not found in the Fax Database, col. 6, line 56 to col. 7, line 12; In the case of delivery by email; in case of delivery by fax; col. 4, lines 32-47) (col. 2, lines 1-46; col. 3, lines 36-65);*

retrieving instructions for accessing the at least one of a plurality of electronic records databases based on at least one of the determined types of communication medium which can be used to access the at least one of the plurality of electronic records databases (*i.e. audio menus to guide the caller to retrieve documents of web-pages from the internet, col. 3, lines 26-65) (col. 2, lines 1-46; col. 3, lines 36-65);*

accessing the at least one the plurality of electronic records databases with the retrieved instructions (*i.e. webpage, col. 4, lines 4-47) (col. 2, lines 1-46; col. 3, lines 36-65);*

retrieving at least one electronic record from at least one storage location (*i.e. a document or a webpage; col. 6, lines 28-55) (col. 2, lines 1-46; col. 3, lines 36-65).*

Rhie does not explicitly teach parsing the electronic records to convert one or more raw data sets into user-selectable objects; causing the user-selectable objects to be displayed.

However, Land teaches parsing the electronic records to convert one or more raw data

sets into user-selectable objects; (*i.e. displaying a related image that is inserted into the document, so that the related image is associated with the indicated text in the document, col. 1, line 39 to col. 2, line 31*); and

causing the user-selectable objects to be displayed (*i.e. The present invention enables a user to choose an image from a group of images that are determined to be the most relevant for indicated text, col. 4, lines 31-52*).

It would have been obvious to one of ordinary skill of the art having the teaching of Rhie and Land at the time the invention was made to modify the system of Rhie to include parsing the electronic records to convert one or more raw data sets into user-selectable objects; causing the user-selectable objects to be displayed as taught by Land. One of ordinary skill in the art would be motivated to make this combination in order to allow a user to choose an image from a group of images that are determined to be the most relevant for indicated text in view of Land, as doing so would give the added benefit of generating a query based on the indicated text for a database of images and displaying the query results as thumbnail images in a slide show as taught by Land (*col. 4, lines 28-53*).

**As to claims 2, 14, 26,** Land teaches selecting at least one of the user-selectable objects to retrieve the raw data set associated with the selected object (*i.e. displaying a related image that is inserted into the document, so that the related image is associated with the indicated text in the document, col. 1, line 39 to col. 2, line 31; col. 4, lines 31-52*).

As to claims 5, 17, 29, Land teaches extracting the at least one raw data set from the retrieve electronic records (*i.e. uses indicated text to find relevant images by automatically generating a query based on the indicated text for a database of images and displaying the query results as thumbnail images in a slide show, col. 4, lines 31-52*).

As to claims 6, 18, 30, Land teaches the parsing is implemented by at least one data processing algorithm based substantially on artificial intelligence (*i.e. automatically generate a query for an indicated object and return results from a search engine that identifies any object that is related to the indicated object, col. 12, lines 11-18*).

As to claims 7, 19, 31, Land teaches the parsing further comprises: determining at least one data parsing algorithm that should be used for parsing the retrieved electronic records based upon a content of the retrieved electronic records; and executing the parsing using the at least one determining data parsing algorithm (*i.e. automatically generate a query for an indicated object and return results from a search engine that identifies any object that is related to the indicated object, col. 12, lines 11-18*).

As to claims 8, 20, 32, Land teaches the parsing further comprises filtering, sorting or analyzing the received electronic records for data consistency (*i.e. automatically generate a query for an indicated object and return results from a search engine that identifies any object that is related to the indicated object, col. 12, lines 11-18*).

As to claims 37, 39, 41, Rhie teaches the selecting one of the plurality of electronic records search requests to execute next base upon the one or more selection criteria further comprises examining search data associated with each of the electronic records search requests and evaluating the search data using the one or more selection criteria (*i.e. the document delivery subsystem operates like a queue where the queue is periodically checked to see if there are any pending jobs, col. 6, lines 46-55) (col. 3, lines 36-65).*

As to claims 43, 44, 45, Rhie teaches one or more of the stored search requests are stored in a search database when the search request cannot be executed at the time the search request is made (*i.e. if the transmission attempt is unsuccessful, the job will be reschedule for transmission at a later time. There is a limit on the number of retries before the system administrator is notified, col. 6, lines 28-55)*

As to claims 46, 47, 48, Rhie teaches retrieving one or more hard-copy documents (*i.e. The Document Delivery Subsystem provides a method for the caller to request a document or a web page to be delivered via one of the available delivery methods such as delivery via fax, via e-mail, or via regular postal service, col. 6, lines 29-32).*

Land teaches a selected user-selectable object (*i.e. The determined context of the indicated text may include text, template, sound, video, picture, use and user preference, The determined context of the indicated text may include text, template, sound, video, picture, use and user preference, col. 2, lines 23-31).*

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9. Claims 3, 4, 10-12, 15, 16, 22-24, 27, 28, 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rhie et al. (US Patent No. 6,366,650), in view of Land et al. (US Patent No. 7,051,019), and further in view of Wolfe (US Patent No. 6,263,351).

As to claims 3, 15, 27, Rhie and Land do not explicitly teach raw data sets comprise court case items or documents associated with a court case docket sheet.

Wolfe teaches the raw data sets comprise court case items or documents associated with a court case docket sheet (*i.e. the text of the first portion of the Graver Tank case that was decided by the U.S. Supreme Court in 1950, col. 5, lines 55-65*).

It would have been obvious to one of ordinary skill of the art having the teaching of Rhie, Land and Wolfe at the time the invention was made to modify the system of Rhie and Land to include the raw data sets comprise court case items or documents associated with a court case docket sheet as taught by Wolfe. One of ordinary skill in the art would be motivated to make this combination in order to display at least a portion of a first document and simultaneously displaying a representation of one or more citing documents in view of Wolfe, as doing so would give the added benefit of providing a better performance of efficiently researching interrelated documents as taught by Wolfe (*Summary*).

As to claims 4, 16, 28, Rhie and Land do not expressly teach the electronic records comprise results of an executed electronic court case records search request, at least one criterion used in formulating the electronic court case records search request and data related to at least one electronic court database associated with the electronic court case records search request.



However, Wolfe teaches the electronic records comprise results of an executed electronic court case records search request, at least one criterion used in formulating the electronic court case records search request and data related to at least one electronic court database associated with the electronic court case records search request (*i.e. the citing cases box would include a representation of all existing cases that cite the Graver Tank case, col. 5, line 66 to col. 6, line 10*).

It would have been obvious to one of ordinary skill of the art having the teaching of Rhie, Land and Wolfe at the time the invention was made to modify the system of Rhie and Land to include the electronic records comprise results of an executed electronic court case records search request, at least one criterion used in formulating the electronic court case records search request and data related to at least one electronic court database associated with the electronic court case records search request as taught by Wolfe. One of ordinary skill in the art would be motivated to make this combination in order to display at least a portion of a first document and simultaneously displaying a representation of one or more citing documents in view of Wolfe, as doing so would give the added benefit of providing a better performance of efficiently researching interrelated documents as taught by Wolfe (*Summary*).

As to claims 10, 22, 34, Rhie teaches the plurality of electronic records databases comprises at least one first electronic database accessible through the first communication medium and at least one second electronic record database accessible through the second communication medium (*i.e. if the requested file is not found in the Fax Database, col. 6, line 56 to col. 7, line 12; In the case of delivery by email; in case of delivery by fax, col. 4, lines 32-47;*

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*via voice format, fax-on-demand, email, or regular mail, col. 2, lines 12-46; User Interface for Operating the Voice Web col. 3, lines 26-65).*

Wolfe teaches court database (*i.e. It is also possible to include only a subset of the cases in the database. For example, the user may only be interested in seeing representations of cases that come from a particular court or group of courts, or from a particular period of time, col. 6, lines 11-17).*

**As to claims 11, 23, 35,** Rhie teaches the first communication medium comprises a telephone dial-up modem connection and the second communication medium comprises an Internet connection (*i.e. accessing and browsing the internet by converting the information content of a web page to voice format, col. 2, lines 5-7).*

**As to claims 12, 24, 36,** Wolfe teaches the electronic records search requests comprise court case docket sheet search requests (*i.e. The representations of the cases in the box 311 can be listed in a particular order, such as by date decided, or by jurisdiction, or by some other characteristic. It is also possible to include only a subset of the cases in the database. For example, the user may only be interested in seeing representations of cases that come from a particular court or group of courts, or from a particular period of time, col. 6, lines 11-17).*

***Allowable Subject Matter***

10. Claims 38, 40, 42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claims 38, 40, 42, the closest prior art, Rhie teaches how many times an examined electronic records search request has failed (*i.e. if the transmission attempt is unsuccessful, the job will be reschedule for transmission at a later time. There is a limit on the number of retries before the system administrator is notified, col. 6, lines 28-55*).

However, Rhie fail to anticipate or render the uniquely distinct step of claims 38, 40, 42 wherein the one or more selection criteria comprise how busy one or more databases associated with the search data are, how many phone lines are available to access the one or more databases associated with the search data, a status of the examined electronic records search request, how many attempts have been made to execute the examined electronic records search request, when the examined electronic records search request was last updated, and when any activity associated with the examined electronic records search request last took place (*col. 6, lines 28-55*).

***Response to Arguments***

11. Applicant's arguments regarding Gao, Wolfe, Crim, Subramaniam do not disclose the new amended limitations "determining which of two or more different types of communication medium can be used to access at least one of the electronic records search request, retrieving instructions for accessing the at least one of a plurality of electronic records databases based on

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at least one of the determined types of communication medium which can be used to access the at least one of the plurality of electronic records databases; accessing the at least one of the plurality of electronic records databases with the retrieved instructions” with respect to claims 1, 13, 25; and “the one or more search selection criteria comprises at least one of how many times an examined electronic records search request has failed...” with respect to claims 49, 51, 53 have been considered but are moot in view of the new ground(s) of rejection.

### *Conclusion*

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Miranda Le whose telephone number is (571) 272-4112. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham, can be reached on (571) 272-7079. The fax number to this Art Unit is 571-273-8300.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Miranda Le

December 27, 2006



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